

PATENT APPLICATION

Do. No. 1941-70

RECEIVED

CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 27 2004

In re application of: Paul J. BRUINSMA; Suresh BASKARAN; and
Jagannadha R. BONTA and Jun LIU

Serial No. 09/481,988

Examiner: P. Marcantoni

Filed: January 11, 2000

Group Art Unit: 1755

Original Patent No. 5,922,299

Original Patent Issue Date: July 13, 1999

For: MESOPOROUS-SILICA FILMS, FIBERS, AND POWDERS BY EVAPORATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

This is in response to the Order Returning Undocketed Appeal to Examiner, dated
July 19, 2004. Enclosed are the following:

- ☒ Copy of Order Returning Undocketed Appeal to Examiner
- ☒ Response to Order
- ☒ Copy of Declaration of Dr. Berg
- ☒ Any deficiency or overpayment should be charged or credited to deposit account
number 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed

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Reg. No. 35,349

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I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
(703) 872-9306, on July 27, 2004.

Signature:

Judy Wigmore
Judy Wigmore

Docket No. 1941-70

Page 1 of 1

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RESPONSE TO ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This is in response to the "Order Returning Undocketed Appeal to Examiner" dated July 19, 2004, from the Board of Patent Appeals and Interferences (copy attached hereto) requesting that the Declaration of Dr. Berg Under 37 CFR § 1.132 to be scanned into the record.

REMARKS

In anticipation of the Examiner's notification and to expedite the appeals process, we provide herewith a duplicate of the original Declaration of Dr. Berg Under 37 CFR § 1.132 dated November 6, 2000. It is apparent from the written record that this Declaration exists in the written record. If you have the original Declaration of Dr. Berg for scanning, please disregard.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed

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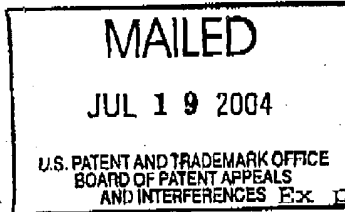
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UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte PAUL J. BRUINSMA, SURESH BASKARAN,
JAGANNADHA R. BONTA and JUN LIU

Application No. 09/481,988

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

According to the file contents, appellants filed two Rule 1.131/1.132 Affidavits on January 11, 2000. In addition, in appellants' amendment filed on November 16, 2000, beginning on page 7, appellants discuss declarations filed by Dr. Liu and Dr. Berg. Furthermore, on page 9 of appellants' Appeal Brief filed on February 5, 2004, appellants, again, mention declarations filed by Drs. Liu and Berg. However, a review of

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the application reveals that no such declaration filed by Dr. Berg exists in the record.

Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellant to submit a copy of the Rule 1.131/1.132 Declaration filed by Dr. Berg, for the examiner to have the Declaration electronically scanned and made part of the official record, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW
Program and Resource Administrator
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cc: Marger, Johnson & McCollom, PC
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DMS/clm/dm
RA04-0676